3/26/80 (Wednesday)

Once again I find myself keeping a journal. None of the others have had more than a couple of entries because my interests would change so rapidly.

With this one I hope to describe my experiences at the Supreme Court.

I first became involved with the Supreme Court my last quarter in law school. I interned for Justice Atkins whose junior research aide was John Newton, an acquaintance of mine at law school. John had picked my name out of the four ~~interns~~ people who interned that quarter. My biggest project was to write an opinion for Scavella vs. School Bd. of Dade County, ~~The~~ Justice Atkins approved it after changing only two words and the opinion was adopted unanimously. Justice Ironberg wrote on the note sheet that it was well written. The experience swelled my head.

John's office was the very first door on the right as you entered the front of the building. It was more like a broom closet with barely enough room for

a desk and a couple of chairs. Across the hall on the left as you entered the building was another office where Jim Loewig (sp?), Justice Boyd's junior aid worked. It was a little more spacious and had a window. One day the three of us came to my house and smoked a joint. I was amazed at how casual Jim + John took their work. Actually John was toward the end of his 1 year commitment and was becoming very lackluster. The backlog was incredible and there was no price for working hard. I could see how it would be easy to lose incentive.

Early in the quarter John, J. Adkins + I went to lunch. My initial impression was that the judge was senile. Chief He held his fork like a baby. Justice Overton stopped by our table as he was leaving the cafeteria (in the lower level of the new capitol) and I stood up as we were introduced. I leaned forward to shake his hand and noticed my tie was in my plate. I later smirked at my unwitting slobbiness. As we left, Adkins stopped to chat with some older women who were wearing red, octagonal "STOP ERA" buttons. I was amazed how he walked meeting one of the women's relatives several years ago. ~~He left~~ I also noticed that he made a point of introducing himself and stating he was a Supreme Court justice. Afterwards John asked ~~why he~~ could didn't tell the ladies he supported the E.R.A. Adkins just explained that sometimes people have minds so made up that it is futile to argue with them.

I forgot to mention that Adkins explained how he was the first circuit judge in Florida to integrate the juries in the ~~county~~ early '50's before the Brown decision, but he always got the conservative vote because he seemed like a good ole boy.

During my internship Adkins presided over the Lonely Creek Murder Trial. John told me that Adkins told Chief Justice Overton to either appoint him to preside or else he would appoint himself when Overton was out of town as acting Chief Justice

When he came back, Adkins told us how he amazed somebody with his detailed knowledge of an old Supreme Court case. He then explained he wrote the opinion when he was the research aide. I later found out he was the first research aide for the whole court.

My only other substantial contact was going out to ~~[illegible]~~ lunch with Adkins, his secretary Jan, senior research aide Dan Milkosky + his girl friend, and John. John + I rode in the back of Adkin's Lincoln Continental. We loved talking on his C.B. radio and told us stories of speeding up to 90 m.p.h. On the way back from lunch, he ~~[illegible]~~ talked to Dan over the C.B. and signed off saying "Keep them wheels spinnin' in and the girls grinnin' in." His code name was "Bigfoot"

That same quarter I was taking a course called Florida Appellate Jurisdiction which was being taught by Justice England who just drafted the new Florida Appellate Rules. I was very impressed by his intelligence and integrity and tried to make as much of an impression on him as I could. One afternoon in the Supreme Court Library, Marty Harrell, who was also interning, told me that England was interviewing applicants for research aides. I immediately went to his office + left a message telling him I was interest. At the next class we set up an appointment for Friday afternoon.

That week I mentioned my interest in the job to Steve Thrasher, one of the partners at the firm I clerked for, Thompson, Nadeworth, Messer, Thrasher + Rhodes (I worked for Bob Rhodes) Steve asked if I'd like to play racquetball with England. He then set up a doubles match, coincidentally, for that same Friday.

At the interview I pressed my case as hard as I could, telling him about all my accomplishments and my desire to work for the court. I should mention that only

a few weeks earlier, England had been elected Chief Justice by a 5-2 vote more on this later) and especially for him. In closing I mentioned how I had also gotten my pilot's license while working my way through law school as an example of my industriousness. He then told me ~~how~~ he was a pilot + how much he enjoyed it. He had gotten his instrument rating.

As I left I told him I would see him on the racquetball court. He seemed a little surprised + then asked if I wanted to ride over with him + his aid.

~~After~~ At 5 o'clock I returned to his office. The three of us went to the men's room in the basement + changed into gym clothes. England talked to us about the importance of conciseness in briefs. He mentioned a big utility case where the court agreed to a higher limit on the number of pages in a brief (Rules said max. was 50) He said that at conference the judges agreed that the attorneys could have made their points just as easily in under 50 pages.

We drove in England's car to E.C. Allen + not Steve. Both Steve + England were excellent players. England's aid + I looked real awkward. It was my first racquetball game. I had rented a racquet.

One other thing, as we were getting out of the car England made a point of locking it. I said something to the effect that I trust people. He replied "You'll learn."

After playing doubles, England left saying he would make up his mind about the job over the weekend.

I was extremely excited when I went to class Monday night. I went up to him after it was over. He asked him I knew Steve. I told him I clerked for the firm. He asked me if I considered the propriety of working + interning for the Supreme Court at the same time. I was jolted. I had

only thought there would be a problem if I was actually working on a case that was before the court, which I wasn't. I must have looked concerned because he added "Don't worry I'm not going to report you to the Bar or anything." The remark surprised me even more. He then said he hadn't made up his mind. He said it was between me & two other people. (I later found out the other two were Marty Harrell & John Newton, both people I respect but also feel equal to.) He said he would toss a coin or something that might since we were all equally qualified, and let me know tomorrow.

I went to his office in the morning but he wasn't in. That afternoon I was working in the Supreme Court library when I heard steps ~~enter~~ of someone entering from the 2d floor corridor & walking down the stairs. It was England's secretary. I tried not to look her way. She proceeded in my general direction, then veered off. I looked up. She had gone over to Marty Harrell who followed her up the stairs. A few minutes later Marty came back with a big grin. I motioned her to come over & asked her if she got the job. She said yes. I told her that I had been in the running & congratulated her. I felt terrible. I wanted to cry.

A few minutes later I heard a different set of footsteps which were lighter & quicker. I thought it might be England coming to talk to me, I didn't look for fear of being disappointed. When it became apparent the person was approaching me I looked up. It was him! He said that he heard I dropped by earlier, but that he still hadn't made up his mind by noon. He said it was between me and Marty. At noon he played racquetball with his aid, each had won one game. He told his aid that whoever ~~won~~ he kept ~~on~~ game would decide who got the ~~job~~

job, but he didn't tell him who he was playing for. England then looked me in the eyes and said "I lost." After a pause he went on to explain that he couldn't decide that way so he went ahead and chose Morty. He said "I feel almost as bad about it as you do." I looked up, my eyes starting to water. He looked at me, placed his hand on my shoulder and added "Well not quite."

That night when I went to see Sondra, I broke down + cried. I had worked so hard in school, so that I would have the credentials to get whatever job I wanted, but nothing really interested me until this opportunity had come along.

My interest in the Supreme Court did not wane. That summer I interviewed with Justice Boyd. We talked for 20 minutes, then he went on non stop for the next 2½ hours. He told me how some of the people up there didn't like him. He referred to England as a "silver stocking daddy." He mentioned how he had flushed a memorandum down the toilet + talked about how he had been accused of being insane. He was almost to complete opposite of England, but I was attracted by his warm + friendly manner. I was offered the position contingent on his senior research aide's, Dave Mahoney (Malloy?), leaving. He it turned Dave's wife had been offered a job at the Hague. However, it was rescinded when she became pregnant, so Dave stayed on.

I spent the next year working with Walter Smith on our Administrative Reporter + clerking for Phil Parsons + Mercer Farrington of Macfarlane, Ferguson, Allison & Kelly and for Bob Carter.

The next summer, my savings had run out + my student loan payments were coming due. I needed a job. After a few interviews I called Paul Lehrman who was clerking for Justice Bond ("He

had gotten the job when Dave did and up leaving in a couple of years. Paul told me he was going to be leaving, but that he hadn't even mentioned it to Boyd yet. Said he would mention my name. After he did so I made another interview with Boyd. He told me that things had calmed down. He said he doesn't go visit England + England doesn't visit him unless there is some business. He said he left his hiring to his senior research aide who was now Jim Loewy. I felt confident in front of Jim. I told him I wanted an answer soon so that I ~~would know what to do~~ would know what to do about other interviews. Jim called in a couple of days + told me I got the job. This was in ~~early~~ June or early July.

Paul ended up not leaving until end of October. The office assignments had been rearranged. My office was a big one on the right corridor opposite the lawyer's lounge. I have a window looking out to the new capitol. I think it's the nicest office of any of the aides. Sandra helped me decorate it one weekend.

Justice Boyd has tried to get me to join the Lion's Club. I told him that I wasn't a joiner + that I would rather spend my spare time reading + studying. Jim told me that Boyd was working on a history of the Supreme Court. I asked him about it. What he had been doing was trying to find old portrait pictures of four justices whose portraits weren't on the walls. He said he would be glad to help me get an article or book published on the history of the Supreme Court. What he wants to do is compile the biographies of all the justices who have served + publish them along with pictures of their portraits.

He's interested in the political angles. He he both went to show how each justice attained his position. Boyd told me that politics plays a big part. He said when vacancies

Overton because of the latter's connection with the St. Pete Times and Landry used to be Askew's wife's boyfriend. Alderman's friendship with Askew was well documented and Ratchford was appointed because he was black.

England's story was more complicated. There was a controversy as to whether a certain vacated position should be filled by election or appointment. When the court said by election someone (whose name slipes me) immediately filed his papers, hoping to run opposed. Since the filing deadline was drawing near Askew convinced England to run, which he did.

A few weeks ago I asked Boyd about the Chief Justice position. The position is rotated every two years with it going customarily to the most senior justice who had not already served. In 1976 it was Boyd's turn. However, he had just received a public reprimand. England had been the special prosecutor in the ~~his~~ case. Boyd was passed over & Overton was elected. In 1978 it was between Boyd & England. Askew can't stand England & urged Boyd to make a fight out of it. The vote was 5-2 for England.

When I asked Boyd about it, I could tell he had been ~~hurt pretty~~ deeply hurt. He wanted to be Chief Justice. I asked him how McDonald & Alderman, the two new justices, since the last election felt. He said he didn't know. He told me that Alderman wasn't real close with the England faction. He described how Alderman tried to make a point during conference but that he was totally ignored.

I asked about McDonald. He said McDonald probably has a lot of regard for him since he had beaten his sister-in-law for the position in 1968.

I later found out that McDonald was a member of the panel that ~~recommended~~ reprimanded Boyd.

The election was held last Monday

The vote was unanimous for Sundberg. I have yet to talk to Boyd about it.

Thursday April 10, 1980

Last Monday there was a going away party for Elsa Mitchel (Executive Assistant to Chief Justice England) in the Lawyer's Lounge. Jim McDonald came up and shook my hand as I introduced myself. He didn't remember meeting me before. When he asked where I was from, I told him I was a military brat. He said his son was getting out of the Air Force next October. (I later learned his brother, Bill Monroe E. McDonald was an attorney in Orlando. Represented Ford Motor Co. in Westerling v. Ford v. Atwood which case I'm drafting the opinion. J. McDonald recused himself).

I went up to see J. Atkins who complemented me on a summary I had written. I asked him if he had seen where I was trying to make J. Boyd an expert in Admin. Law. He smiled & nodded though I'm not sure what I was referring to. (I had just written a special concurring opinion in Fla. Cities Water Co v. PSC, which gave an instance where the courts should require the agencies to go through rulemaking procedings.) He then abruptly left leaving me the impression that I wasn't too tactful.

I wanted to ask Js. England about playing racketball some time, but the right opportunity never arose. Overall I felt very awkward. Had a hard time conversing with people. Ended up going over to talk to Nancy Shuford (Boyd's secretary). J. Boyd came over and said "Well I've enjoyed this as much as I can stand," and left as we chuckled. I notice how he had circulated.

At the party Bill Deitz (Overton's research aide) mentioned they were going to have an auction for players in the Masters Golf Tournament.

Several of the research aides met (in Jain Kauer's office with Tony (the Marshal) and Sid White (the Clerk) to bid on which players would win the tournament. This was done on the sly since Justice England wouldn't approve. I don't believe any of the other justices know about it.

The next morning Boyd called me & told me about the opening ceremonies of the Legislative session which would begin at 11:00. I went at 10:30 and the galleries were already full. First the Senators came in, then the Justices in their robes. Gov. Graham came a few minutes later & began his speech. It was so much B.S. I left in the middle of it.

On Wednesday we had a birthday party for Nancy. We ended up asking everyone from the other justices' offices, the clerk's office and the library. J. Overton came in and declined a piece of cake, but asked as if he were a little kid, "May I have a cookie?" J. Alderman also came & stood quietly by the wall, talking with his research aide Dottie Davis. He's not a good mixer & looks real uncomfortable in crowds.

The surprise was J. McDonald who came in singing happy birthday & then kept up an entertaining banter. He congratulated J. Boyd on becoming a grandfather, & explained which side the diapers go on on baby girls.

Boyd said someone asked where McDonald was when they went to lunch. Someone said he had brought his lunch that day, then someone else said "Well, next he'll be voting like Alderman." (Alderman apparently brings his lunch to work frequently)

McDonald said as he left, "Remeber folks you gotta stay loose, that's the secret stay loose"

I must say he was practicing what he preaches.

Wednesday April 16

Today the court had a birthday party for Jerry Bradley (sp?), J. Overton's secretary in her office. I had enough time to grab a piece of cake before I had to go to the phone. Bill Duncan was calling to find out Justice George H. MacKie's name. Bill is working interning at Senator Stone's office + has access to a ~~com~~ terminal connected with computer at Library of Congress.

Then I talked with J. Boyd. He said that we would give our work to the state to publish, but that if the state didn't want it, we'd would publish it ourselves. Told me to go ahead + contact R. K Roberts about sitting down with him + tapping a conversation.

Later Jim called to see if I wanted to have lu join he + J. Boyd for lunch given by the Fla. Library association. I declined since I had made plans to lunch with Sondra.

As I left for lunch, I ran into J. England on the front steps. He was returning from the luncheon J. Boyd and one of the other justices went to. He asked if I were going + when I said no, he said "What you're turning down a freebee?" I asked if he wanted to play racquetball. He said his shoulder was sore, but that maybe he could next week. Told him I had improved since last time we played + that I was better than Rick Williams his research aide. (Found out yesterday Rick won ~~the~~ about $50 or so on our auction ~~at~~ for the Masters tournament & Bachelors won.)

Want to take time now to mention one of my first appearances I've as a research aide I had forgotten to mention earlier. I was assigned to work on a case, Raisen v. Raisen, where the court was being asked to abrogate the doctrine of sovereign immunity. J. Ratchford had drafted the majority opinion before he left. The vote was 5-2 with Boyd in the majority. Alderman had written a dissent, stating that the decision should be left to the legislature. Boyd had asked that Jim + I look into it to see if there was an equal protection issue involved. After performing some

research I went to him to explain that an equal protection argument would be similar to the one made in the majority opinion. At that time the vote sheet came in from J. McComb's office + he was voting for the dissent. Then J. Alderman came in to talk to J. Boyd about a different case, Boyd asked him ~~what he thought about the case~~ whether he thought one spouse should be able to sue another. Both Jim + I ~~said~~ ~~we~~ ~~thought~~ ~~he~~ or she should. Boyd ~~came up with~~ replied a hypothetical for Alderman's sake about a wife asking her husband for some gentle sex, but ~~of~~ because he was too rough on her, suing him for battery. I felt a little embarrassed + looked down in my lap. I glanced quickly at J. Alderman who looked at Boyd with a stone face. Alderman said he thought the case was one of common law which only the legislature could decide. Boyd said he would vote with him + asked me for the dissent to sign. As he took it from me, Alderman suggested that he read it. Boyd shook his head ~~no~~ and signed it. His vote became the fourth and at that point Alderman's dissent became the majority. It was later recirculated and accepted by the court as the majority opinion by a 4-3 vote.

I felt embarrassed about Boyd's ~~ignorance~~ display of casualness. I felt it bothered Alderman a little that he would sign something on just his word.

On one other occasion I had drafted an opinion in a P.S.C. case. When it was circulating, Jim tells me that J. Lundberg had a question about it. I mistakenly called J. Overton ~~to~~ to see what his question was. ~~He~~ couldn't exactly remember so I told him to call me if he needed something explained. I mentioned the incident to Jim who told me that it was J. Lundberg. I had gotten confused because of the similarity of their phone numbers.

I went to see J. Lundberg. Part of the opinion was unclear. I suggested the addition of a clause which made him happy. He then voted in favor of it. I penciled in the clause on Boyd's copy. A couple of weeks later on a Monday (conference day) Nancy called saying Boyd had a question about the case. A few minutes later Boyd called & asked what it was Lundberg & I had talked about. I told him about the penciled in clause, & he said that he would change it. Later Nancy again called & said everything was OK.

A couple of days later, I went in to apologize to Boyd about the mix up. He said he learned in the Marines to never say you're sorry, just do better next time. At first he didn't know what I was talking about. After I explained he said there was no problem. He said J. Lundberg asked him at conference why the opinion hadn't been changed. Boyd said he didn't want to let on about his ignorance & said he would check with his secretary. After talking to me, they got a new opinion with the correction added, typed up & sent to the conference with a minimum of hassle.

Now a third incident that isn't over yet. I was asked to work on a PSC case where the issue was whether the PSC had to go through rulemaking procedure before changing its policy on allowing utilities to include depreciation of contributed assets as deductible operating expenses. Tele Cities Water vs. PSC.

I carefully drafted an opinion saying the PSC had wrongfully tried to adopt a rule, but remanding the case for an evidentiary hearing. There were six votes in favor of it but for different reasons.

Boyd told me that at the conference, he was making notes of everybody's views so we could adopt the opinion. But then England said he would resign it to himself. Boyd

said "you know he's just trying to be helpful" with an ironical smile.

England's opinion came out with the same result, but with a delving into the question of when an agency's policy decision should be mandatory as a rule. I asked Boyd if he wanted a separate opinion. He asked me what I thought. Since I had just attended a CLE lecture where this issue had been discussed I wanted a chance to have the Supreme Court say something on the matter. So I suggested we write a concurrence, which I did.

The last time I looked in the file, a couple of justices had concurred in result only with England's opinion. England had written a note asking Boyd if he really wanted the courts to get involved in deciding whether agencies have abused their discretion by making policy through adjudication than rulemaking.

Tuesday April 22

Yesterday I met + talked with former justice B. K. Roberts. I tape recorded his impressions and anecdotes of all the justices who have served on the court, but who are now dead.

Despite his age J. Roberts was very lucid. He spoke in long sentences and always completed his train of thought. He fidgeted in his seat quite a bit.

He was very careful to say only polite things about the justices. When talking about J. Byford he told a story of a J. who complained in conference about a lawyer trying to lobby him during the lunch. Although he would not disclose the Justice's name or topic, he told me off the record it was J. Thomas, a fact which didn't surprise me.

After we had stopped recording our conversation, I asked him about the trouble the court had in the early 70's. He said most of it was just the press blowing off hot air. He said McCain was the only one who did anything wrong. He said McCain had sinned too

many campaigns too quickly, and was thus forced to accept contributions he shouldn't have.

As I left, I ran into Justice McDonald who was on his way back to the office, so I joined him. I asked him how he got to be justice, if he had any connection with Gov. Askew. He said he didn't that his situation was unique because none of the three people recommended by the J.Q.C. knew Askew. He said he believes he got it because he had been suggested as an alternative when J. Alderman was appointed. He said Alderman claims that he didn't have any connections with Gov. Askew. He expressed no sense the papers indicated Askew + Alderman were high school buddies.

I asked McDonald how he likes it at the court. He said it suits him fine. Asked said he liked it better than being a circuit judge. Liked the prestige because his increase in pay from being a district judge only amounted to $4,000.

Today J. Boyd called me in to discuss Vaspon v. Wainwright which deals with ineffective assistance of retained counsel. The court has pretty much agreed that D's should be allowed to challenge the competency of retained counsel. The big dispute is what standard should be employed.

I tried enumerating several standards which attorneys would have to abide by. Boyd didn't think the others would accept it + suggested we use a "reasonable competent counsel" standard to allow some elasticity in the decisions.

He said he was afraid that the other judges wouldn't accept what we have + then would reassign the opinion to someone else. He said they would all love to take credit for work I had done.

He said if he were king of Florida, he would decree what I had written. But he said the other justices wouldn't accept it, + he wanted it modified a bit so it would become a majority opinion.

Friday April 25th

Last Wednesday, J. Boyd + I tape recorded a 2 hour conversation with retired Circuit Judge Taylor. Judge Taylor had been a circuit judge for about 30 years + had sat on a few cases with the Supreme Ct.

After the conversation J. Boyd, his wife Ann, Nancy + I went to lunch at Capitol Inn on Appalachee Parkway. At lunch Boyd told me the story about McCain. He had been appointed by Claude Kirk, and like Kirk was a Republican. He had been publicly recommended for some activities + resigned so to avoid an impeachment inquiry by the House. Two years after he resigned and had been practicing law, the Florida Bar sought to disbar him.

The court issued its order the day the Bar Convention was being held. Boyd claims that England, Overton, + Lundberg were playing politics. He says they do it just like the judges have in the past, except they have this hypocritical attitude that they were above reproach.

He said all McCain had done was ask a circuit judge to expedite a criminal case that had been taking unusually long.

After lunch we drove around looking at houses for a little while. Ann is a real estate broker. J. Boyd mentioned he'd like to buy one of the ones he saw. I don't know how serious he was.

We sat in the back and Nancy + I was quite the back seat driver. Both he + his wife are very friendly + like to talk + are often competing with each other for an audience. She seems to get the better of him though.

Today he called me in to discuss the Guzmenkamp vs. State case which deals w/ the constitutionality of agricultural road inspection statute which requires cars to stop. I drafted an opinion which Jon revised substantially, which would not allow searches of vehicles, even though there was probable cause, unless there was a warrant or exigent circumstances.

Boyd wants me to draft another opinion which would uphold the conviction

and which would say no warrant was necessary.

I felt a bit irritated. He told me he agreed that the state shouldn't be allowed to search w/o a warrant, but was concerned the other judges wouldn't go along with it. But instead of dissenting he wants to change the opinion so he would be known as the author of what appears might be a landmark case. I find it frustrating that he's more interested in receiving credit or recognition than he is in sticking to his views.

Lew J. Adkins briefly in Boyd's office. Nancy complemented him on his tan. He replied that's what comes from living in Panama City. I'm not sure if he commutes every day, but I would guess he goes there every weekend.

He remarried just last summer. He married an anchorman for a Panama City news program.

Boyd once joked that he wasn't worried about getting old since Adkins applies for social security + got married in the same week.

Lynn May 4

Last Wed. C. J. England had a birthday party in his office for his secretary, Mary Ann Talmus. Like the last party, J. McDonald was the most aggressive person. He immediately led everybody in singing Happy birthday upon stepping into the office. J. Boyd stopped by shortly to say Happy birthday, then left.

J's England, Overton + McDonald stood in a group + talked about their fraternities.

Then little get together do help break up the office routine. J. Boyd once told me the court used to do it all the time, but the practice had ceased w/ England's becoming Chief Justice or coming on the court. I don't know why there has been a shift in policy. There does seem to be some comradie developing.

In an article in the paper this week, about the state's deciding not to pay for the justices' wives' trips to National Convention. Reminded me of a time a couple of weeks ago when I overheard J. Lindley saying he wouldn't go if his wife couldn't go for him.

Friday May 16

Yesterday I went to talk to J. Boyd about a wiretap case I had been working on. I wanted to explain to him that I thought it was a violation of State's rights for the Congress to tell the States what procedures must be used to obtain search warrant for wiretaps.

He started off on a soliloquy about how he thought the matter concerned federal due process rights and that the other justices disagreed with his views on such matters. As an example he told me about writing a dissent to the court's adopting a rule for en banc procedures in the district courts. He felt there was no constitutional authority for overriding a decision once it was terminated. He said Cupland was upset and accused him of playing politics in an election year. Boyd concluded "I must be doing something right to incur the wrath of the Chief Justice."

Soon afterward Maney came in + said here are some more rules from Justice Overton. J. Boyd lamented about Overton and his rules. He said if I should go to hell, they could make it real hard on me my adopting new rules every day.

We then started talking about the case. J. Boyd was very vehement about imposing strict standards. Told me that a guy who was sat close to he was playing golf with one day till Sun. that all the justices phones were bugged. Said this guy was real close to the man Osbon had picked to head the operation.

Boyd claims he found the bug on his phone. Said he gave it to the Marshall, Dempsey Mayo, to have it checked out by the Dept. of Law Enforcement. They said it was undetermineble, Boyd said he got the bug back + placed it in his desk, but somebody stole it one night.

He said J. Dekle picked up the phone once and overheard a couple of people talking about a drug deal. Dekle anonymously called the police who made a bust which was on the news.

One other story. He said his wife, Ann, suspected their home phone was bugged and called the telephone co. The supervisor said to her, "you're a

justice's wife. You should know we can't give that information out." As Boyd said, how would he know so much about it?

He theorizes that Askew had all the phones bugged because there were allegations that racetrack interests were bribing the justices.

He asked me if I knew how many of the justices were not indebted to Askew. I mentioned J. McDonald.

Boyd said that McDonald wrote a nasty opinion about him. That he relied on statements by his old secretary who was out to get him. Said McDonald was trying to play up to Askew by getting down on Boyd.

All of this conversation occurred in about a half an hour. I was a little taken back by his strong + loud statements. Made me wonder what happened recently to bring all this out in the open.

J. Boyd had a band aid above the left side of his upper lip. Nancy told me he had a wreck on his jet ski over the weekend. Said he had to have 7 stitches + had a black eye.

Today I read an opinion I had written Wilson v Avis Rent-A-Car that was issued to us on May 15. It gives a liberal interpretation of conflict cert which would allow the court more flexibility to choose its cases. It also revamps tort law with respect to intervening causes.

Wed. May 28

Talked with J. Boyd for a little while yesterday. He suggests we write a condensed version of our book for a Nova Law review article.

I also spoke to him about a divorce case, Lebanon v. Robinson, I was working on. I had prepared a three sentence opinion quashing the district court's decision in light of Canakaris. Boyd wanted me to write a page or two to satisfy the other justices.

He seemed quite irritable. He said that Sundberg had just fired him

from the Probate Rules Committee. He said that he's being assigned to committees that don't do anything, and that when something does come up, he's kicked off.

I asked him if Lundberg was Chief Justice now. He said that he was in everything except name.

Mon. June 20

Read the U.S. Sup Ct's decision in Cuyler v. Sullivan. Had to go to Overton's office to get the file on Wagner so I could write a revised opinion. Overton said he had some reservations. I asked him what. The main one was including Cuyler, another was limiting the standard of reasonableness to the time the attorney was representing his client.

I went to see J. Boyd about Overton's comments. While waiting in Nancy's office because he was with somebody, I asked her if ~~there had been~~ anything had ~~happening~~ happened last week to make Boyd seem more bitter than usual. She said he had been having stomach problems which made him feel bad last week.

I then asked her if B. were going to conference & she said one wasn't being held today. I appeared surprised since I thought I heard Tony (the marshall) ask Overton if he were on his way. Nancy went to check but came back and said there wasn't a conference. Later as I was walking past the conference room, someone opened the door & I noticed several men were sitting around the table. Again I mentioned this to Nancy who headed down the hall a second time to see what was going on. I left before she got back, & I still don't know. Probably nothing important, but working & talking with J. Boyd has made me especially sensitive to possible snubs by other justices.

Boyd agreed to go along with the changes suggested by Overton. Since ~~Overton~~ Cuyler disposes of the major issues my revised opinion was about ½ the original.

Friday June 6

Found out that the meeting I was referred to in my last entry was a meeting of the committee to select a new state court's administrator. The old one Jack Harkness is leaving to become the Executive ~~Director~~ Director of the Florida Bar. They had a surprise going away party for him today in the Roberts room. All the justices attended except Boyd and Adkins.

I overheard England telling Lundberg that somebody ~~from the A.G.~~ mentioning the possibility of some of the personel from the A.G.'s office move into the building. (I presume to take over the offices to be vacated by the 1st DCA.) Lundberg replied. "No way, I don't believe anybody from the executive branch should be in the building."

Today I went to the oral argument for the Graham v. Estuary Props. case. The room was full with spectators, an unusual site.

Yesterday I talked with J. Boyd about our law review article. He suggests we get a draft done by the end of the year. In this we'd discuss the major cases decided by the court, with maybe a few references to the more colorful members of the court.

He told me that he had talked with Lundberg about the project and that he would like to see the court pay for the publishing of the project. ~~He told me to be sure not~~ even if he is no longer around after Jan. ~~He replied~~ He believes there's a possibility that he won't be retained. Again he recounted the stories of how B.K. Roberts tried to get him off the court, as did England & Overton. He said England ~~thought~~ sent a message to the House impeachment committee that Boyd wasn't a good justice & that Overton concured. He said England denies this of course. He said he can talk to Lundberg but not England or Overton.

Thursday - June 19

Last week Boyd took Jim + I to the Government Bar Association luncheon. The members had name tags. Boyd took the slip of paper with his name typewritten on it, turned the paper over + printed his name on it in huge letters. Told me that if ~~something else~~, if I watched what he was doing would be worth and learned nothing else, the trip would be worth my while. He then proceeded to tell me to put the name tag on his right side, since that's the side people see when shaking your hand.

It turns out Jordan became a member of that organization that day.

One morning last week, Boyd called the office. He said he had put some files on top of his car parked in Adkin's spot (adjacent to his), and now wasn't sure if he had left them there. Wanted me to tell Nancy so she could check with Adkin's office or the clerk's office, before word had gotten out.

Today I asked Nancy what ~~was~~ ever happened. She said Jim had gone down with the files + remembered putting them in the car. Boyd had misplaced them at home, but finally found them.

He and Jim went to the bar convention being held today + tomorrow. All the justices have gone. Nancy told me they used to close up shop during this time, but now the court was open. I took the afternoon off, and she'll be taking all day tomorrow off.

Played racketball with Bill Berge - J. Sundberg's aide - yesterday. He told me that he wrote some opinion - + J. Sundberg changes a few sentences or paragraphs. He said some of the no request cases he does on his own, but that J. Sundberg takes a more active role in the oral argument cases.

Wednesday, July 2

Last Mon. morning Boyd buzzed me about 9:00. He said he needed to have an opinion out by 1:00 on the Rules of Juvenile Procedure. The bar had suggested some changes which took up about 30 pages, most of them reflecting changes in the statute (Ch. 39). A couple of months ago I had written a memorandum, giving my recommendations.

I spent the morning editing and putting the proposals into an opinion format while Nancy typed in some of the changes I had suggested. We finished at about noon, and gave the opinion to Kenneth to xerox some copies.

Boyd was very concerned that the other judges would think he wasn't doing his work if he didn't have at least a rough draft to show them by conference.

He asked me to join him for lunch. We went to the snack bar at the 10th floor of the cafeteria.

~~J. Adkins joined~~

On the way over, I told him about the case in 1859 (Clark v. Hunter) where a very conservative supreme court held that a black man or mulatto wasn't entitled to file a writ of habeas corpus.

Boyd told me, "You know, a hundred years from now people are going to read Spinkellink v. State (an opinion Boyd had written upholding constitutionality of Fla's new death penalty statute) and say how barbaric. How could he do such a thing - execute another human being." He was trying to point out that a judge's opinion doesn't always reflect his true feelings.

As we were eating J. Adkins joined us. I ~~started asking him~~ asked him if he were the 1st research aide at the court. He said, no Jimmy Irwin was one from 1937-38 Adkins served from 1938 ~~39~~ to September 1939. He said on July 1, 1939 Rodney Ousman, the 1st aide from Stetson

had started, and after that were two aides from then on.

He then told me Armstead Brown who came from Miami originally was very intelligent and probably the greatest legal scholar on the court. He said Brown did more exhaustive research than anyone on the court. He said his wife was a real nagger, after her sister moved in, he died about a year later. Adkins said he was nagged to death.

Adkins said Ellis was almost blind his last two years on the court. ~~Said J. Drew did most of Ellis's opinions during that time.~~

Adkins said Rube Williams was at the court in 1938-39. Rube had started out as janitor + became Marshal. Carried a pocket watch which he was always pulling out to look at. When it was time for oral argument, he would bang on the judges' desk yelling "Bench time, bench time."

Adkins said J. Terrell would slant the facts of a case to fit in with his version of the law. Said Terrell didn't give any consideration to the litigants. Once Adkins represented an elderly lady before the Ga. Ct. Terrel wrote an opinion deciding the case against them and used one of his witticisms. Adkins said after he told the woman they lost, she asked to see the opinion. After she read it she asked if it was going to be published in books where everybody could read it. Adkins said yes. Adkins claims it upset her so that she was later committed.

Boyd + asked Adkins if any of the other judges had gone to a special ceremony for D. K. Roberts at F.S.C. Adkins said nobody had showed up. They both seemed to disapprove of the way the other judges shun Tolbert. Adkins said "There comes a time when you learn to do things for protocal regardless of what you think of the man." Boyd said, "I don't see what they got against him now. After all he left the court unlike you and I."

J. Sandberg & J. Overton came over. J. Sandberg ~~said are you all~~ jokingly asked are you shunning us? I moved over to make room, but he & Overton went to another table. Adkins grinned and yelled, "Nah, we were running late. Thought you all would already be finished."

At another point during the lunch, Boyd & Adkins talked disparagingly about England & his opinion on the en banc rule. Boyd had filed a dissent, stating it was unconst. England accused Boyd of playing politics in an election year & should be bound by his commitment when the court had advocated that the constitution be amended. Adkins then wrote concurring with the majority but saying that now was not the time to decide the issue of constitutionality. He wanted to point out there was some substance to Boyd's point of view. Boyd said the opinion hadn't been filed yet & wondered out loud if there was a purposeful delay, so that his dissent wouldn't be published before the election.

As we were leaving, we joined Overton & Sandberg and rode down with them on the elevator. Sandberg seemed to be in high spirits & he cracked a few jokes. He said to Adkins, "You know every time I see you, I'm reminded of that famous saying, 'We have seen the enemy and they are us.'" I wasn't sure what he meant, but Adkins chuckled good naturedly, sincerely or not, I don't know.

As we were walking down the corridor to Boyd's office, he said out loud to Adkins, "You know we ought to lock that room up (nodding to the Chief Justice office) while the chief justice is away and abolish that office. That would solve all our problems." I glanced over my shoulder & saw that Overton was only a few yards behind us.

When we entered Boyd's office I asked him he purposely spoke loudly as Overton would overhear. He indicated he had. He said that as far as he was concerned there was nothing he could do that would make the others like him. He said that at conferences, they treat him like a non-person, but that Adkins always speaks out and says things to try to get their goat.

Later on in the afternoon Boyd told me, that the others had agreed with ~~me~~ the opinion. They agreed with my suggestion that the courts didn't ~~a~~ have any authority to order a juvenile's parents to submit to a psychiatric examination.

On Tuesday, Susan Defenbaugh brought two friends Rick and Jane _____, to see my office. I took them up to see J. Boyd. He entertained us with jokes and stories for about 10 minutes before I told him we had to go.

Today I played basketball w/ J. England. Went to his office at 4:30. Ted had to make some calls. When he finished we went down to a dressing room in the basement + changed. We drove over in his car. (That morning he had called before I got in. When I returned the call he asked if I could ~~be~~ drive. I told him I had worked to work that day.) He beat me the first three games + won the fourth. Afterwards we sat around a couple of minutes and talked. He asked what Boyd had me do. I told him rather hesitatingly. I asked what he had his aide do. He said, "He did all the our jurisdictional statements, but that he would dictate an opinion on oral argument cases, then have them work on it. He said for no appeal cases he would just have them come in + talk it over ~~with~~ w/ B and then have them write a draft opinion.

As he was driving me home, I asked him if he had done any flying. He said he hadn't been in a pilot's seat since he had been judge.

I told him I was interested in becoming a judge, especially an appellate judge, but that maybe a circuit judge would be interesting. He said he wouldn't like being a trial judge, said he would be scared of coming into contact with people.

I asked him if he was planning on staying on the court. He said he hadn't decided whether he would run for retention, but that he would be making a decision sometime this year.

I asked if had really considered being Dean of FSU's law school. He said that was just rumor. He didn't apply + nobody contacted him. He said that it came at the wrong time, that right now he wanted to get out of administration.

When we came to my house, I asked him in. He said he had to be somewhere by 6:30 but that he would take a rain check.

I left him feeling that there was a lot more going in his head than he was saying. It's hard to figure out what he thinks of me. But I came away liking him. I don't get the feeling he bears any grudges against Boyd

Monday July 14th

Last Tuesday there was a reception for Chief Justice Lundberg in the lawyer's lounge. I spent most of the time talking to a high school acquaintance, Walt Steigleman, who just got a job clerking with the 1st D.C.A. I did try to pay too much attention to what the justices were saying. I noticed that when Whitney Stricklands went up to Lundberg, the latter clapped him on the shoulder and said, "Whitney my boy, how are you doing?" I feel resentful about people such as Whitney, whom I perceive

as dull and shallow, getting ahead simply because of their family connections.

Yesterday Bill Grace + I went down to J. Boyd's beach house at Shell Point. Jim Tague + a friend named Alice, Shelly (a summer intern) and her parents were all there. Spent the afternoon sailing and riding on Boyd's jet ski. At one point Shelley and her father couldn't sail back to the house so Boyd had to go out in his jet ski and tow them in.

Had a wonderful time. Boyd's are wonderful hosts. They never lack for a joke or a story.

Today Boyd buzzed me + asked me to come up to discuss a case (Bd. of City Comm'rs of Dade County v. Wilson) involving a tax matter. He wanted me to check on a law that had been passed this session requiring that millage rates be established by taxing authority pursuant to ~~a~~ general law or special act, (§ 200.191(6)) and to check on validity of retrospectively applying the law. After I performed all the work, I failed to realize how it applied to the case. While Jim was briefing me on the facts Boyd called England to tell him about one of his opinions (Delano v. Dade County) which held an ~~special~~ ordinance was not a special law. Boyd wanted to give the impression he had done some work on the case before England left for Alaska. Apparently the case is a special one, set for oral argument next week. I asked Jim what relevance the Delano case had + he said he didn't think it had any.

About this time I was feeling a little irritated about wasting my time on a researching an issue that just wasn't present. As Boyd got up to put a book on the shelf, Jim + I quickly + quietly edited.

August 25, Monday

Today was the first day after recess. Jim, Nancy + I sat in J. Boyd's office and listened to him talk about his trip to Hawaii. He had ~~got~~ attended an ABA convention and visited his daughter who lives on top of a mountain. I found out he has five children, three daughters and two sons.

We got to talking about the newspaper article that had come out while he was gone. The St. Pete Times printed an editorial coming out against him. (Ernie Jones sent me a copy of it today.) He explained how the St. Pete Times came out against him when he first ran for office. He believe the paper endorsed him in 1974 ~~as the~~ in the hopes that he could be forced to leave office later, making room for another Askew appointee.

He's planning on not campaigning for awhile so as to keep himself above the fray. He doesn't want to bring attention to the past, by running around defending himself against such allegations.

I advised him to join the majority opinion by Overton in a consumer case. He agreed.

Nancy said J. Lundberg was starting a beard. Somebody said that he said he wanted to look like a U-boat captain.

September 5, Friday

~~A wk ago~~ ~~Tuesday~~ Wednesday I attended the ~~the~~ ~~re~~stitute ~~service~~ for Judge Joanos and Reed Thompson. They became the 10th + 11th district court of appeal judges for the 1st district. Overton, Boyd, Atkins + Lundberg also attended.

It was pretty boring so I left + stood in front of the refreshment table waiting for the service to be over.

Last week I met with J. Boyd on a case dealing with the constitutionality of Florida's cruelty to animal statute. He had indicated he thought the statute was too vague. After I told him other states had upheld similarly worded statute he agreed to hold it was constitutional.

Today I heard there was a Supreme Court Historical Society which Justice Overton was supposed to be head of.

When I asked him about it, he said that the project had been turned over to J. Boyd. He said the paperwork for a non-profit corporation had been drawn up but had not been filed. He indicated there was some money for it. When I asked if anybody had done any research or had any information about the history of the court, he said no.

I spent all day today beginning a rough draft of an article for U. of N. L. Review on the Court's history.

Monday Sept. 8

About 8:30 this morning I answered the phone since nobody else in the office had yet arrived. Raymond Blair was calling returning J. Boyd's call from last Friday. He assumed J. Boyd was interested in the results of a poll conducted at the Moral Majority State Convention. The results were:

Boyd 35% Overton 15% McDonald 9%
England 19% Adkins 14% Alderman 8%

When I told J. Boyd about them, he seemed pleased. He said none of the justices returned the questionnaire that was sent to them, but that he had sent in his resume. He said that if he had gotten ~~70%~~ he would a real high rating like 70 or 80% it would appear he was a fanatical right winger. He was surprised that England had gotten such a high rating.

Wednesday, Sept. 24, 1980

The Court held its weekly conference today instead of last Monday. I had prepared a memo to J. Boyd about my work on computerizing the death penalty cases, so I went to his office to talk to him before conference started.

We talked with Jim + I about 2 opinions which I worked on which were going to be discussed at conference. One Tate v. Dowdle concerns the authority of assistant state attorneys to authorize ~~search~~ applications for wiretap search warrants. The other Winn Dixie v. _____ concerns the campaign contribution law.

I didn't get a chance to talk to him about my memo until we walked down the hall together to the conference room. At the door, he asked me to run off seven copies to give to all the justices. I did so immediately. Then I knocked on the door + handed the copies to J. Boyd when he opened it. I'm anxious to talk to him about it tomorrow, to learn what the reaction was.

Oh yes. J. Boyd again recited the figure from the poll taken of the Moral Majority. He asked rhetorically, "Do you think I'll bring this up in conference? Not on your life. Last time I tried to talk politics with them, they wouldn't listen." He also said J. McDonald was surprised at the low rating he received. He also wondered about whether the Moral Majority will have more influence on an election than the Consumer Advocacy Group which gave him a low rating. He + I both think so, but he did seem a little worried.

Thursday September 25

This morning I went to see J. Boyd. When I walked into his office, he was dictating a letter to Nancy. He motioned me to come in and continued to dictate.

He + Nancy continued through a stack of letters. He was accepting as many invitations as he could to meetings of every sort. He did not accept one to a correctional institute because in his own words "they could not vote."

He accepted invitations to all the events at Florida's Homecoming, but was not inclined to go to the football game or participate in the parade.

At one point he said I like those breakfast meetings and made several successive handshaking motions.

There was one letter from a Mr. Zappone, who was complaining about the Dept. of Trans. putting up a wrong sign near his property in Dade City, making the property useless for him. He claimed he had helped the campaign for Boyd + wanted him to do something about it. He was an elderly person, and the letter didn't make much

sense.

I asked him what the other justice thought about my memo. He said that he passed it around to the other justices, telling them briefly what it was about. He said they went on to other business. Guess I'll find out later what their reaction is.

Then we started talking about the securities case (State v. Covington) I'm working on. He agreed with my analysis that the statute was unconst. He later decided to duck the issue, because I told him the information was dismissed on other grounds. (Later I realized I was wrong and started drafting an opinion declaring Fla's anti-fraud statute unconstitutionally vague.)

I spent close to two hours in his office before I managed to get away.

What little incident I just recalled, when Nancy was looking through some papers on his desk saying she was having a hard time remembering what she had done with them, Boyd said "that's like the old 75 year old lady who was looking at a new baby that was naked. She put on her glasses and looked real closely and exclaimed, 'What a beautiful baby and it's a boy if my memory serves me correct.'"

~~He also told~~

When Nancy told him about the new law school graduate who wanted to talk to him about a job ~~on~~ on days when he wouldn't be in, he said to send them to talk to me.

Thursday, Oct. 2

Last Tuesday after I got bought my traveler's checks for my trip to England, I ran into Justice Alderman who was waiting to cross Monroe St. I walked up to him - asked if he were heading back to the court. On our way back, I told him about my plans to go to England. We had a nice conversation with him asking several questions. He said he had been to London once before years ago. I then asked if he had read any memo on computerizing the death penalty case. He said he had - had given it to Bette Davis. He had told her to get in touch with me about it. He asked if I knew a lot about computers.

Overall a pleasant conversation, he was not as awkward as he usually is.

Monday, Nov. 3,

J. Boyd talked to me about our writing a book. He said that a Florida Historical ~~Soc~~ Supreme Court Commission had been established several years ago. He said we should try to contact them to see if they could help us. He warned me not to ~~tell~~ tell anyone else the order for the project. He said we should make sure that our names are listed as authors.

We went to see J. Overton. Overton explained that a ~~Comm~~ non-profit organization had been set, but hadn't gotten around to meeting. He said that he was told the Commission would be able to raise funds (sp) for the purpose of painting a mural on the dome + for this history. He showed us a couple of ~~books~~ paperback books put out by the U. S. Supreme Court Historical Society.

Boyd told him about receiving endorsements from the Spanish papers in Tampa + Miami. Said some people don't regard him as a good legal scholar. He tries at least to be a good politician. Overton chuckled, but I sensed it was forced.

When we got back to his office, Boyd told me he felt Overton was "in" with the people who state he isn't a good legal scholar. He feels Overton has connections with the St. Pete. Times which came out against Boyd.

I've seen J. Boyd about three or four times this past week. Each time he talks about which newspapers have endorsed him. He was very pleased one morning when he told me the Tampa Tribune, Jacksonville Union + Orlando Sentinel all endorsed him.

I told him I was sorry the Tallahassee Democrat came out against him and he said "I don't mind them, they've always been against me."

Today he showed me endorsements from the Weekly News, and Cuba. To my knowledge only the St. Pete Times + Tallahassee Democrat came out against him.

At one point today he referred to this election as his last. I jokingly asked if he would run for President when he was 70 like Reagan. He responded that if he won this election he would be in a good position to run for governor or senator.

He believes Keppan will win the election by 60% of the vote. He said it was a scary prospect and that he was for Carter.

I borrowed Overton's two books on the U.S. Supreme Court. He told me to put his name in them. Later J. Boyd said I should return the books in a couple of days, because Overton is like a little old lady about his books.

He recounted a story about how in conference was ~~just~~ talking about reading a U.S. Supreme Court opinion in a manner that suggested no one else did. J. Adkins said of "You know I've read a few of their opinions."

Last week, he invited me to his house to watch the election returns. Today when I asked if I could bring a friend, he almost seemed insulted when he said "Why sure."

Oh yes when we were talking with Overton, Boyd suggested that I might be granted a sabbatical to work on the history of the Court for the Commission.

Wednesday, Nov. 5

Last night Jordan + I went to J. Boyd's house to watch the election returns. Already there were Mrs. Terrell (J. Terrell's widow) Mr. + Mrs Laird (J. Terrell's daughter), and J. Adkins. Several other people came most of whom I can't remember. Boyd has the T.V. (CBS) and radio going. J. Boyd was calling it P.T. every few minutes. And people from all over the state were calling him. He was trying to be completely up to date.

~~It~~ There was a general feeling of disappointment when it became clear the Keppan would win the Treasurer.

Although early indications showed the ~~justice~~ was getting over 60% approval rating, J. Boyd still seemed worried. When we got ready to go at about 9:30, I went to say good-by ~~night~~ to him. He was lying on the bed with the light out. As I turned to go ~~and~~ I was not wanting to disturb him, he invited me in and asked me to turn the light on. He said he was just waiting for a phone call. When I told him we were

going to the courthouse, he wrote down his phone number + asked me to give him the latest results.

At the courthouse, I found out he wasn't doing as good as the other pistes. I phoned him at 11:30 with the latest figures for the circuit. He told me the St. Pete Times called for his reaction, and he told them he always got good about beating his enemies like the St. Pete Times. He went on about for 15 minutes, ~~berating~~ telling me how he told them that he didn't understand what they knew other taxpayers didn't know and that he expected them to come out with an editorial saying he shouldn't be Chief Justice. He asked them where they got off trying to influence the piste on voting for Chief Justice.

The St. Pete Times ~~to~~ paid him in an article published in today's issue.

I got a little ahead of myself. Yesterday morning I returned J. Overton's books to him. I told him that I thought a good publicity was a good idea, I also told him that I would give him a copy of the article I had written.

When I left his office, I went to see J. Adkins to wish him good luck on the election. He told me that he had ~~written~~ kept up with some of the things I done and said that he thought I was doing a good job.

Back to Boyd's house. L. Alderman was extremely polite but quiet. However, at one time he did initiate a conversation with Londa. His wife + teenage son were in later. His wife had been to basket weaving school. She was dressed in jeans + seemed quite bubbly, quite the opposite of her husband. When she showed her basket to Anne Boyd, Anne put it on L. Alderman's head. He covered his face ~~for~~ for a little while in good humor.

Wed. Nov. 19

Yesterday Nancy, Jim, John Davis (our intern) + I had a birthday party for Justice Boyd whose birthday was last Sunday. I had bought a Carrot Cake.

For an hour, J. Boyd recounted stories of his life. He started by telling stories of how the J.Q.C. played politics with the judiciary. This started because he is about to cast the deciding vote on whether someone whose been county judge for fifteen should be allowed to take the bar exam w/o going to law school. I told him I thought he should. When he asked if that should be true for all county judges I said yes. I even said that should go for anybody. He seemed surprised when I told him I had friends who never went to law. John Davis confirmed this observation.

J. Boyd then told one story how a known briber in Dade County was the sole witness against 3 politicians. He said he convinced the others to overturn the conviction.

He told another story about a woman lawyer accusing a judge of making improper advances. Although the J.Q.C. recommended a reprimand the judge didn't appeal. Boyd convinced the others to look at the record, + they reversed.

He then told about staying in a haunted house while selling Bibles one college summer.

Then he told us about how he made up a book report about an Edgar Allen Poe story for class one time. He got an A on it.

Today I heard D. England talking to Tony the Marshall. As he walked by my door, I heard him rhetorically ask in a surprised tone "Randy Rader's got his own name on his door?"

Thurs. Nov. 24

Today the reserve aides met for lunch at Angelo's. Everybody was present except Horgan Moros. The purpose was to plan a Christmas party. We decided to have lunch together once a month.

Somehow I still feel alienated from most of the other aides. I have a hard time making conversation. I overheard Fred, Dick + Larry talking about working for one of the big firms in Tampa or Miami. They seem ~~to be~~ middle aged to me although I'm probably older than any of them. I also disliked the witty repartee at the table which is constantly legal oriented. But I probably because I sometimes feel inferior.

Mon. Dec 1

This morning J. Boyd called me in to talk about the article. He wanted to delete all references to disciplinary proceedings because he felt the wrong impression would be given if the whole story were told. He said he planned on writing a book on politics where he would tell the whole story. He said the Chairman of the J.Q.C., Mr. Earl once admitted when drunk that he was one of Cohen's boys. Boyd told him he prayed for Earl all the time because the Bible says pray for your enemies. He kept criticizing the editor of the Tampa Tribune who sat on the J.Q.C. for writing an editorial about Boyd while the matter was pending. He told his story of how he + his wife ~~sp~~ testified the House Committee by bringing in all their checkbook receipts and guest books. He complained about England shredding 20 past conviction reports + getting away with it, while he got reprimands for destroying one memo. He talked about how the record showed there was 8 ~~was~~ 1 original of the memo and 7 copies. He said part of B.K. Robert's deposition was never transcribed. He explained how B.K. tried to make him an ally once he began to be outmaneuvered on the Court. And he explained how Ed Ball was the real power + how he got ~~to~~ Ball's blessing. He was a friend of one of Ball's Vice Presidents.

He was mentioned a factor that went one way, found out it would adversely affect [illegible] then went the other way. He didn't agree with taking bribes.

We were interrupted by his son from Gainesville, Jim. Later J. Boyd asked me to join him for lunch. We went to the snack bar on the 10th floor of the Capitol. We sat 2 table away from Justice Sundberg, McDonald and Overton. Justice England arrives as they were leaving so he joined us. J. Boyd began telling him about our article.

It was a strange conversation. J. Boyd would begin his story, pausing in the middle to give unnecessary background material while J. England would punctuate the conversation with one line criticism. J. England explained how it was unclear when he was elected whether he was to serve J. Erwin's unexpired term or to serve a full term. The opponent had filed a suit which reached the supreme court stated that the election was for Erwin's unexpired term. Glisson v. Spector, but on remand the court withdrew its dicta. He said he sat quietly through the fifth year. Since nothing else was ever said or done, he ended up serving a full term.

After lunch, I walked with England to Monroe St. He went to the courthouse & I to the bank. We set up a racquetball meeting for Wed. at 12:00.

Once during lunch the conversation turned to an article in the Democrat about sentencing procedures in the circuit court. The article mentions how Judge Minor let a cuban who had assaulted 3 police officers and kicked out windows of a police car, off fairly easily, sending him to Dade County. Judge Minor was quoted as saying it was Dade County's problem, not Leon's. J. England said that was an absurd thing. When J. Boyd said he believed it was the beginning of an attack by the Democrat, J. England said he thought the attack was probably justified if Judge Minor was doing things like that.

Dec 2, 1980 Tuesday -

Today I inserted some sentences Justice Boyd wants to include in the article. I was a little disappointed that he insisted on leaving out the disciplinary proceedings taken against ~~him~~ Dekle + McCain and on bragging about his own accomplishments. He referred to his own trouble by writing that others tries to hound him out of office.

As he was leaving, he did suggest that I insert a sentence mentioning that Dekle + McCain were under investigation when they resigned.

Yesterday he told me how he tried to join the Armed Services during W. W. II. ~~He said the Marine Corps rejected him because he did not have 20/20 eyesight. He got a doctor who claimed that wasn't so and he got his doctor to write a letter explaining he did have 20/20 vision. In the meantime~~ he applied to be on the border patrol. He said the written test was very hard, some people got up + walked out. He passed well on the test, but they wouldn't accept because his eyesight wasn't 20/20.

He got his doctor to write a letter explaining his eyesight was 20/20. In the meantime he was accepted by the Marine Corps. When the border patrol wrote, accepting him, he drafted a letter turning them down, gloating about being accepted by the Marine Corps. He said it was better for his political career to say he had been in the marines. He said ~~as soon as~~ he did everything with an eye toward how it would help his political career.

He also opposed Jimmy that his son Jim did not want to become a lawyer. Jim is now in the process of taking his CPA exams.

Also yesterday while proofreading my article he stated that one of his former secretaries tells him he was the only lawyer who could glance over a page + catch every typographical error without knowing a thing about what was written.

Saturday Dec. 6

England canceled out of playing racketball last Wednesday.

That afternoon I talked with J. Boyd about the Salvary case which concerns a Tampa psychiatrist who is accused of murdering one of his clients. He mentions that the court originally stood 6-1 for ~~remote~~ admitting ~~wiretap~~ evidence a tape recording of a telephone conversation into evidence and upholding the seizure of Salvary's appointment book by use of a subpoena duces tecum. He said Sundberg ~~swirled~~ his vote, then England and that Overton was shaky. Boyd was expressing his doubts about joining Alderman's opinion. When he asked for my gut reaction, I told him I thought seizing the appointment book was unlawful but that the tape recording should be admissible.

Wednesday afternoon I ~~rewrote~~ inserted some more paragraphs ~~to~~ into my article that Boyd had written. The changes told what each of the present justices had done before coming onto the court and a whole paragraph detailing Boyd's accomplishments. I'm a little disgusted and embarrassed about his embellishments.

On Friday, we talked some more about the Salvary case. Boyd has decided to ~~write~~ his vote. The court had argued gently a bit about the case on such subsidiary issues as who had standing to object to the issuance of a subpoena duces tecum. Boyd doesn't have much patience with bickering over legal technicalities. He says anyone who is adversely affected by the subpoena should be allowed to object to it.

Friday morning I ran into J. England in the parking lot on the way into work. When we reached the back entrance, he went in one door leading to the elevator while I went in the one leading to the stairs. ~~He~~ England started following me up the stairs & asked if I always used the stairs. When I said I

did, he said he did too, but for one reason he always used the other door.

He said he regretted having to cancel out. He said a lot of things came up that kept him busy.

Today Sondra & I ran into Larry Bea (England's aide) at the bagel place across from the Northwood Mall. Larry & asked Larry what he thought of England. He said England seemed very formal but that when you get to know him he was a pretty informal person who liked racketball and camping.

Mon. Dec. 8

One story I forgot to mention which has taken place w/i the last two weeks. Once when I was on my to check some files in Jim's office with regard to my article, I was walking through G. Boyd's office. He stopped me and asked what I thought about admitting a homosexual into the bar. I told him homosexuals should be admitted. When asked ~~why~~ asked why, I told him one's private life was nobody else's business ~~unless~~ it interfered with ~~others~~ us and shouldn't be regarded as a crime. He teased me about my liberalism and explained that he had written a dissent on the matter several years ago and that an identical issue was recently before the court. The incident reminded me of a conversation with Dave Mellon, one of Boyd's prior aides, who told me that probably the strongest thing he objects to about Boyd was Boyd's ~~the~~ conservative views on homosexuality. Some of it stems, I believe, from Boyd's Christian beliefs.

One day last week Boyd mentioned how during his 1974 election campaign, the other justices held a trial concerning one of his earlier research aides a person named Schwartz. He said they tried

him publicly for three hours, even though he had admitted guilt. I then remembered the sports decision of the case which was given to us in a handout at orientation.

Wed Dec. 10

Yesterday morning Nancy buzzed me + told me about a birthday party for Jim, ~~whose~~ ~~next~~ partner whose birthday was sometime last week. When I went up there I met ~~Jeanne~~ Joann, a women law student from U of E who is going to intern with us for a couple of weeks.

When introducing me Boyd told her about the article he did with me + the one he did with Jim on capital punishment. When she asked whether it was for or against, he replied, "We concluded it wasn't for everybody."

Boyd played the harmonica while we sang Happy birthday. He then regaled us with stories about his grandchildren. One was about his grandchild watching the news and when he saw his grandpa on T.V. asking a lawyer a question once, he exclaimed, "You're a guide! I can't believe it."

Wed Dec. 17

Today the Da Ct had a Christmas luncheon. All the justices attended except J. Boyd who was in Miami. However, his wife came.

At first I sat next to J. Alderman. My ~~sad~~ effort to initiate a conversation failed, and we ate silently. I then sat next to Anne Boyd, across from J. McDonald. She started talking about her family coming from South Carolina. She said her father was knifed by someone named Strickland (Mrs. Boyd's maiden name). Mrs Alderman joined the conversation + said her ancestors came from the same small town in S. Carolina.

J. Overton said a prayer ~~before~~ while we were all standing in line.

J. England was very congenial. Most of the aides gathered at his end of the table.

J. Lundberg sat at a small table with the people from his office — some like aides.

A couple of weeks ago J. Boyd was telling me about J. Ervin. He said Ervin would often recite his opinion standing up while his secretary dictated them. He also said Ervin was the most liberal in voting to grant cert. to hear a case. He often said, "If the case is wrong, it conflicts with every case that has been right."

Wed Jan 7

This afternoon I talked with J Boyd for a little while. He asked me what I thought about the court's imminent decision to deny relief to death row inmates whose psychological profiles were sent to and viewed by the court w/o the inmate's knowledge. I told him I thought the decision was wrong. He explained that he was going to be the only dissenter and that the others were going to stonewall it by saying that the Faretta decision doesn't apply to appellate judges and that appellate judges can review whatever material they want. He said the others tried pressuring him not to dissent because they feel the opinion ought to be unanimous.

He then asked if he should compare the court's action to the situation he was reprimanded for regarding the Nixon memorandum. I suggested he shouldn't. He seemed to agree, thinking it would look better if he didn't appear to be spiteful, which he is.

He then told me that in confidence he told J. England that if England had been President Nixon's lawyer, Nixon wouldn't have resigned because England would have shredded the tapes. Earlier Boyd mentioned that the St. Pete Times had written a few [illegible] that England had shredded some of the psychological report. Boyd claims he doesn't have any personal knowledge of the matter.

Wednesday
~~Thursday~~, March 5, 1981

I have neglected this journal for the last couple of months. Since my office is on the 1st floor, I have little contact with the visitors.

There is, however, one event that sticks out in my mind. I had received a utility (General Telephone) rate regulation case consisting of 28 volumes. Afterwards I talked with J. Boyd about the basic issue of a letter P.S.C. has authority to order interim rate decreases during the pendency of the full ratemaking proceeding. The next day I made an appointment with J. England to talk about some of the finer points. He gave me some helpful hints, but at the end of our conversation he added, "That is not to say I'll agree with everything that I've said when the opinion comes out." At least I felt like I wasn't totally off base.

Yesterday morning I went up to talk to the judge. He started telling me about how he visited the sea of Galilee. He said that he had ~~[illegible]~~ somebody baptize him three different ways: by sprinkling water on his head, by splashing water all over his body and by totally immersing him. He said he figures he was baptized the same way Jesus was.

He also started telling about taking a trip to Mexico with his wife who has never been there. He said he was there once when he was in the Marine Corps. As he walked down a street a little boy came up, stuck alongside & asked, "Hey mister you need a pecan?"

"Nope" Boyd replied

"You want your shoes shined?"

"Nope"

"You want a girl, I can get you a girl?"

"No thanks"

At this point the frustrated boy said "Well mister you're ~~impossible~~ hopeless."

This morning, I once again was talking with J. Boyd. He said that David Binkel, a reporter for the Tallahassee Democrat, had interviewed him yesterday. He said Binkel asked him in 57 different ways why he dissented in the Brown case which concerned the court's looking at post sentence psychiatric reports without the defendant's knowledge. Boyd refused to be any more specific than what he had written in his dissent. I could tell he got off on being clever with Binkel saying Binkel would find out the real story and oppose England for destroying the reports, and at the same time feeling superior because he was being nice enough not to spill the beans and act revengeful.

Thursday, March 6

Today I decided to submit my resume to Federal District Court Judges Stafford and Hoeveler and to 5th Cir. Judge Hatchett. At the old post office (now the federal building) I found out Hatchett's office was at the Lewis State Bank Building. I circumnavigated the 8th floor before I found Suite 810. I was surprised to find the door locked since I had just called over + talked to a secretary a few minutes earlier. Then I noticed a little index card with a typewritten message to ring the bell by pushing a white button. When I did so, a woman's voice asked ~~what~~ who I was. I explained that I called a few minutes earlier and that I was there to drop off a resume. After a long pause, a young black woman opened the door ~~a~~ about a foot and accepted the resume. Noting that I wasn't going to be invited in, I asked if she knew if there was a position open and if Judge Hatchett had decided on someone yet. She acknowledged there was, but didn't know

if he had decided on anyone.

The precautions taken reminded me of a remark someone once made to me about how Justice Hatchett was surprised by the lack of security at the Supreme Court when he first arrived. Now I almost imagine him being a paranoid type person. The other thing that struck me was that there was a young black man I encountered in the hallway whom I presumed to be working for Hatchett probably as a research aide. I ~~felt~~ suddenly felt there would be a racial bias against my getting the job.

Saturday March 21

Last Thursday I went to the Government Bar Association's luncheon where Justice England was the guest speaker. He spoke of the court's jurisdiction. He said that because of the constitutional amendment passed last year the court's backlog has been reduced from 1500 cases to 750. He expects it to remain at that level. Now the court spends over ½ its time on death penalty cases and bar disciplinary matters.

April 9 - Thursday

In my last entry I forgot to mention that Justice Cowin was also at the luncheon. While speaking Justice England made some friendly overtures, including a comment that he thought highly of Justice Cowin's work and that he tried to follow in his footsteps. Justice Cowin looked disgruntled throughout the luncheon and his appearance did not change when these remarks were made.

Today I had a pit conference with former Justice Hatchett who is now a judge with the federal 5th Circuit Court of Appeals. He has a beautiful spacious office on the southeast corner with huge picture windows facing both South & East.

He explained how the 5th Circuit operates & how he operates. He said all his research is done by his aide and that there were frequent trips to ~~the~~ Jacksonville, Atlanta & New Orleans. He said the workload wasn't as bad as it used to be at the Supreme Court.

At one point I had to leave the

office while he talked long distance to another judge about a case.

I was very impressed by his demeanor. He was very articulate and extremely intelligent. I'm ashamed of the illusions I had that he had gotten where he is solely because of his race.

The afternoon we had a birthday party for Nancy. Different groups of people came at different time. J. Boyd became concerned that J. England nor anyone from his office had come, so he called them again.

Mrs. J. England & his aide Rick Williams came, everyone else had already left. J. England was quick with his quips like "Good Ole Boyd".

Monday - April 19

Today J. Boyd walked in my office and asked me to go to lunch with him. We went to the 10th floor of the new Capitol. He got a hamburger with nothing on it and can of V-8. I got a bar-b-que sandwich, chocolate milk and chocolate mint cookies. We joined Justice McDonald, Adkins, and Overton at a table at about the same time Rick _____ (who works on DWI project for Adkins came along).

There wasn't much interaction among Rick, J. Boyd + 2 and the other 3 justices. J. Boyd would add a few things, nothing I remember. McDonald gave up his chair to J. Sandberg who came along a few minutes later. J. Overton left while Sandberg sat down. J. Boyd talked about our article on history of supreme court. Started expecting that I be given a few months leave of absence to work on it.

J. Adkins said he didn't want to say anything about the men he clerked for. He then mentioned that he was the only justice who had probably been arrested. He said he had a few DWI charges.

At about the point, a woman joined us [illegible] nobody had the manners to introduce me. J. Boyd + I were the only ones to stand up while she took her seat. I did somewhat belatedly

and awkwardly.

J. Lindley told me about how he had turned on to the section of Jefferson Street that runs by the Dance Office Building only to find a truck blocking the way. After waiting 10 minutes, he backed around the corner on to Monroe and was stopped by a police officer "a young college kid"

When the officer told him he was going to get a ticket, he started protesting. The officer took him to the Leon County Jail where he was held, but never booked, for a couple of hours.

J. Adkins then said he got arrested for a felony once, ~~over~~ resisting an arrest with violence. He claims an officer hit him with a blackjack when being placed in jail. He said next thing he knew he woke up in a hospital with 12 stitches in his head. He said the jailer had also been hospitalized.

Later after he had become a lawyer, he got a chance to cross-examine the jailer in a trial. He said "Boy did I have fun"

I got worried that J. Lindley would often butt in with unneeded or weak when someone else is talking. His comments seemed to be quite short whereas Adkins + Boyd like to embellish their tales. Neither one ever interrupts another speaker like I've seen Lindley + ~~Atkinson~~ England do.

Finkel's article about the death penalty cases was published in the Democrat last week — on Saturday the 18th I believe. He mentioned how the files had been purged of the post sentence psychological profile the court had ~~ordered~~ ordered without notifying the appellants. Marty Hall was quoted as saying she did it + J. England was quoted as saying he verbally told her to do it. A pretty damaging article.

Sunday - May 5

one day

Last week when I went to get the upstairs office, I found a letter addressed to me. It was from a Mrs Smith from Ft. Lauderdale, asking me to consider the good qualities which she expended upon of her attorney a Mr. Pace. It was very disciplina + his case was before the Court since J. Boyd was in. I immediately went to Chief Justice Sundberg's office. He wasn't in either.

A few minutes later after both had arrived, J. Boyd + I went to inform the matter to J. Sundberg. He didn't seem the least bit concerned. His attitude was so what's the big deal. He said to just have the letter filed in the case file so it would be part of the record, which only made sense. He asked me if it concerned Pace, + when I said it did he indicated several other people had gotten such letters.

I took the letter to the clerk's office + to Bernice Snelgrin (Hill Pitt's secretary) that J. Sundberg told me to file the letter. She asked if it concerned Pace. When I said yes she dropped it in the wastebasket.

I was pretty surprised at the carelessness with which everybody was taking the matter, considering how much criticism had been leveled at the court for receiving and destroying potentially evidentiary materials sent to the court.

The same day J. Boyd told me he ran into J. Hatchett at a gas station + told him what a good worker I was. Hatchett told him that he didn't want to talk to one of J. Boyd's aides anymore. This all occurred after I had received a letter denying my application to work as J. Hatchett's aide.

Sat. May 30th -

A week ago last Thurs. there was a birthday party for J. McDonald. Barbara Yates made a chocolate cake with white frosting.

J. Boyd + I entered J. McDonald's office together. We sat on a couch in the corner while I stood behind Debbie Davis

who was sitting across from J. McDonald & a few other people were milling about his secretary's office. Ditti was wearing a dark blue women's suit (w/ skirt) and a lavender blouse, with a flower pinned on.

J. Overton entered from the door opposite the secretary's ~~and~~ door and stood by J. McDonald's desk. After wishing happy birthday, Overton made some comment about Ditti's attire to the effect that it was very lawyer like. She acted perplexed, then realized he was probably referring to her flower. He awkwardly said, "You know I'm only kidding you Ditti."

Later on Overton & McDonald started talking about a case. Overton boasted about a decision he had written, which was relevant to a case McDonald was working on, where the court held the probation & parole commission could revoke a person's parole for being arrested even though there was no adjudication. From the ~~court~~ corner, D. Boyd piped in, that decision was wrong. In a huff, Overton retorted what do you mean by wrong. Boyd replied, well it may be the law now but it's morally wrong. Acting aloof, Overton refrained from comment.

This interchange highlighted the personality ~~clash~~ & philosophical differences between these two men. Overton, accepting to himself the role of legal scholar and Boyd the role of the populist.

Later that day Boyd talked to me about the Smith v. Brantley case which concerned the impeachment of former circuit court judge Smith, who had been arrested for smuggling marijuana. He said the court ~~had~~ ~~that~~ was correct in a quandry because Askew's boys didn't want to make their God (Askew) look fallible. He said the court was agreed that the State couldn't impeach a former officeholder and therefore acted unconstitutionally but were split three to three on whether to affirm the circuit

court order holding Smith's impeachment valid. Boyd said he was going to dissent on grounds a 7th justice should be heard.

Last Thursday the opinion was at to be released. A majority of the court upheld that Smith's resignation was effective at time he submitted it and that since it was submitted before any impeachment proceedings had begun.

Sunday - May 31st

(I was interrupted by a all fun Bill Race. We'll say Nancy Klepin Run more & had a party for Stan Cady today)

The Legislature didn't have grounds to impeach him. However, England wrote a special concurring opinion saying that the decision should not apply to Smith. This is what caused a 3-3 split. Boyd dissents saying to the court saying Smith shouldn't be deprived the fruits of his victory and that since there were a 3-3 split, a seventh justice should be called in (Oventon

secured kindly because he provided I the text / to work the tie.

After, I had read the opinion Nancy called me to say that the Chief Justice's office called it back and to get it to Jane in the clerk's office to shred.

At a function of the newsweek aides I talked to Fred Fiocchi. Ed Sundby's aide. He said a new 7th justice was going to be appointed.

Friday, June 12

Today I ran into Pat Watson who's walking downtown. He was an assistant state's attorney. When he learned about my casual dress (short sleeve shirt, no tie), I told him I'd Republic's war but I got one bad vote from other side. He said not to worry about them + then launched into a diatribe about J Englund. He said Englund called the state's attorney office to ask that a tap be placed on his phone because his daughter had

been getting obscene phone calls. When last he would have to come in and sign an affidavit, England ~~got upset~~ stated he was too busy to come in. The secretary then told him they couldn't place a trace on his line. He apparently did come in & sign the affidavit all in a huff. Pete called him an ~~obnoxious~~ "obnoxious twit."

Monday, June 15

Yesterday went to J. McDonald's house for a beach side picnic. He has a beautiful home on Mile's Landing Road overlooking Lake Jackson. It wasn't a very pleasant boat. He took the attitude that he wasn't giving the party, just giving the side a place to hold one.

Today J. England answered his resignation. He held a press conference in the lawyer's lounge, across from my office. I walked in toward the end of it. I heard him say that the ~~offensive~~ was becoming emotionally draining, that he wouldn't mind the death penalty case, but that it would mess the credibility of the other 6 pistols. He said they were all good people. He said he had reached the decision a month or two ago and that he planned on going camping.

Thursday, June 18

Yesterday I asked J. Boyd what his thoughts were about J. England's retiring. He said he thought England was doing it to avoid the public outcry when the U.S. Supreme Court reverses the decision in Ross v. Moriarty and all of the men on death row will have their sentence commuted because England had ordered that post-conviction psychological reports be added. Boyd points out that England was only 18 months away from having the retirement benefit vest, and that all future will have to be commuted because there were no cases of which can be retried for reports.

About this point the clerk left White came in about a bar admission case. Boyd asked him who he thought the new justice would be + White replied, "I don't know who he'll be."

Boyd said he thought White should appeal, but White said he wouldn't want to get personally because of the death penalty cases.

Then the discussion turned to Penn v. Mississippi. White said he may need to get a new job because of his fault in that he had sent out letters requesting the reports.

He acknowledged that there was no record and that he had no copy of knowing which cases had the reports filed, said to contain the reports.

He then said that the U.S. Supreme Court held a conference on the cases within the last 10 days and would issue an order to the state to respond to the petition. He said the one of his assistant (Steve L third) is calling every few days to keep tabs on the case.

After he left, Boyd again mentioned how he thought his decision on not to intervene England a few was the second time he did England a favor. I asked him to tell me the story about the 1st time. He said England's shedding a man that surely destroyed Boyd.

Boyd said that in the fall of 1968 before the election the Supreme Court had eleven Circuit Court Chief Justices. About that time the Court reaffirmed the policy of having the Chief Justice rotate by seniority. The court decided the case 5 new judges would be starting at the same time, that seniority would be decided by the length of time on circuit judges. Thus in 1972 Carter would be elected and in 1974 Adkins.

When 1976 rolled around, England had written a memorandum, giving his reasons why Boyd should be re-elected + that Circuit should.

Boyd said he was sitting in his office when he saw England Sunday the person he thought, "He said, "Boy,

what have you got there?" England replied, "Nothing." Boyd said, "I do that something nasty Aiken told you to write to about me. Come on let you can show me." He said England's face turned as red as one of the leather folders, but came in.

Boyd said the name was recalled among the letters and that a copy was filed in the clerk's office. Subsequently, England had second thoughts & had all the copies collected & shredded. Boyd said he kept his.

Later, for an unknown that's still obscure, the Deputies began investigating the incident & had inquired about the name. For awhile it looked as though England were in hot water. Pete Overton requested that all notes be collected so that the name could be contained. Apparently there was some question about the law prohibiting the destruction of public records. Legal minds, Boyd says in any case, thought we should have a copy of the original. He told me that he still had a copy.

Friday, I was invited by to have coffee & cookies with & visit with Mr. & Mrs. Dan Blair, Mrs. Dan Hill & an old lady who had worked as a typist research desk a few years back & had met the civic types. At one point they passed a Boyd with a gold plaque engraved "Favorite Tit" in it. Just a true story.

Now Boyd at the time certainly a respected model. It was good to see Boyd was first placed over his Chief pleased. Boyd told that if they had wanted another pair the could have got them on styrofoam trees.

T.

Sat July 18 ~

Last Friday, Larry Lippman, a agent for Orlando Hostetter, came to interview Jay Boyd + Albert Bryant at the Historical Society. A photographer came + took several shots of us looking at an antique old volume containing the minutes, etc. that gives Larry a copy of the article we sent to C. Mc L. Rowe, at the end of the interview, Larry asked Boyd about his "self-serving" statement. Naturally, Boyd got a little irritated + started insisting that it was the truth. He said the ~~prosecution~~ investigation against us initiated by Lt Rose after the opponent announced for re-election to court, and an end or.

The next day Boyd asked me what I thought about the interview, I told him I thought it went OK. Tell the end. I warned him that Larry would still probably write a favorable piece.

Yesterday, Joe Brandt stopped by. He is working on an article with Phil Hatfield about Boyd. He wants input of the officers in Smith v Bruton (1) precedent prevailing if a court finds (2) Bruton's ~~conduct~~ conduct (the court's decision at post conviction ~~of~~ evidentiary hearing) and (3) the Post Office.

He let us know after ~~about~~ the next article appears. He is of interest having two accounts. Boyd had said that on that ~~he~~ thought it was a disservice of Phil's popularity, and England was visibly irritated at the interview.

~~Today~~

Harold Kapp left me a message at work, & he will be in Indianapolis on Tuesday. I'll see him then.

Friday July 31st

Lars & Sporre will arrive Friday,
Expected Papa to put police matter
there during his stay.
Will pick up Mr. Ten & it appears
the newspapers Sunday.
Mr Finley J. Wilson walked in the
office & said, "What are you trying to
do, run a cemetery?"
Mrs Pat offered a bid that it would
be met with strong objection,
adding laughingly, "You better not
be optic Finley, if you want to keep
your job."
Miss Boyd called early Friday
morning while I had just the water in
the Coronet, Pop said that she said B. J.
(Ross) will get you out, Pop did you
tell the operator with what your
officers."
Pop & Mama Mrs Justin Ross
brought him a little [illegible] stick B.J.
started him to dig, which would mean
B.J. will build us a garage over
by Harry to get it the Ford done.

For me the Top Bill of the
Row Boat is a frightener.
Top Bill is age 5. Lots of
cold Corn & I will keep Lucy
till I can Lure Top Bill
to stay by the wagon.

On Friday Mrs Bill J.
Landgraf went over to the office
to see Mr Ten about getting Lot
Ada Lee to tie on Lot 17.

Now if the water has subsided we
can try out the motor.
(Any pets & Lots in Lots
who can not be at the cem.
If you [illegible] for Lot upon
entry you at per week.)

Dr Boyd
It seems his experience at the
Mardi Gras Parade Friday evening
to get lost in many years. The crowd
before it started was

On Wednesday afternoon, Dept
#1 for Eighth Circuit Court Sitting
Talking the jury that he did not like
to keep the case pending
till appeals for Crippled Creek
Mrs. Emma England also wants
to know when the receiver appointed
for said the decision will be given
case had passed.

Judge Lindsay told Attorney
to Carter about England's wants

Attorney Carter told Judge
Lindsay that there was
Circuit Court just how Dept was going
to Mr. Neufeld, who told him Dept
would do for the operator, that it
would be for the people.

Today Mr. Neufeld came to talk
to me about the case. He says that
maybe they will sleep the Crippled
Creek. He also agrees it was not

Justice Addington will be the next one
to die for the year of the year
two Supreme Court Justices
Gyrin because he was sixty years old
for certain years.

Dept 1 Division is my best
Entry Dept but Court Division
Executive Division all of the Mean
the case and the case to be
Circuit. Dept was to be gotten over
Please out of office for
Justice, and he pacified that
the per Court Dept Court was
to have been consistent.

A lot of case have been decided
this week. The one I'm most
proud of is United Telephone Co. v.
Mann, which I wrote entirely
myself.

Another one Purdy v. Self Brace
Enterprises was mostly my original
arguments concerning that collateral
source statute did not exist access
to count because an injured person's

for damages
claimants were subject to his insurer's
right to subrogation.

Here was also our bizarre decision
in Selden v Hayseeds where we
argued that the principle of adverse
possession was no longer constitutional
in certain cases because of changes
in our society. It is definitely
sensible. I like to think it's way
ahead of the times.

This week I sat at Nancy's desk,
filling in for her while she was on
vacation. Boyd led a stream of
jokes about how I was the cutest
secretary he's seen. He would grin
+ call me "Miss."

He had lunch Tuesday with
mayor of Miami (Bauer?) a Mr.
New.

August 27, 1981 - Thursday

Today J. Boyd returned from his vacation.
He got to talking about Earl Warren.
Said he was a great orator. Boyd said
in 1968 Warren wasn't feeling too well
but accepted an invitation to speak at
one of Boyd's political dinners, as long
as his appearance wouldn't be announced
before hand in case he couldn't show
up. When he got up to speak he
talked of how Boyd had hitchhiked down
from Vegas + got his first job
driving a load truck by Selby. He
owner he would be ashamed one day when
his grandkids asked him why he never
met Joe Boyd. Then Warren said
"I do often want to meet that
man who gave Joe Boyd his first
job. He's up over there, stand
up Mr. Pollard."

We then began discussing the search
for England's replacement. (Newspapers
announced last week England got a
job with Miami from Hyatt, Heck
etc.) Today's newspapers said the
list of interviewees was narrowed
down to nineteen. Boyd said the
nominating process was all a charade
since Governor Graham already knew
who he wanted. If he did it, he
was really dumb.

I asked Boyd who he thought would get it. He listed 3 choices.

1st — Pete Wimbish — mainly because she's black + a woman. Her appointment would make national news. She's also Boyd said she also has connections in Miami (Newspaper said she was former council person from St. Petersburg) which would help Graham get endorsement from Miami Herald

2nd — Natalie Baskin — woman judge with 3rd DCA.

3rd — Robert Smith — "one of Askew's boys." Haven't had a justice on the court from Jacksonville in a long time.

I told him I thought the most qualified were Robert Mann, Robert Smith and Judge Grimes (1st DCA)

Boyd said if Mann were to get it, he would have to change his writing style. He said once Mann started an opinion with verse. It concerned a prisoner seeking writ of habeas corpus

He then mentioned story J. Atkins had once told us about how a client of his had a nervous breakdown because of something J. Ferrell had written.

He then gave another story of J. Dekle writing about a man before them who had to rent his clothes, "a six hundred dollar suit."

Boyd said, quite candidly, that opinions shouldn't be written with humor. That his work was serious. Death penalty cases are serious.

Tues. Sept. 22

a couple of weeks ago the JNC submitted three names to Gov. Graham: Chilick, Schwartz and Grimes. The day the names were mentioned in the paper, I went upstairs to ask J. Boyd what he thought. He said that it was clear Graham would choose a Jew either Schwartz or Chilick and thus perpetuate a "Jewish seat."

A week ago - Sept. 14 - I ran into J. Boyd & his wife at the dedication party for the ~~new~~ grand opening of the new Leon County Civic Center. He introduced me to Lt. Gov. Mixon and former Supreme Court Justice O'Connell. Both said glad to meet you & quickly moved on.

Recently J. Boyd said we should try & contact Millard Caldwell. Boyd said he was once interested in being appointed State Comptroller. He said people told him to see Caldwell who was a justice at the time had a lot to say who got to be Comptroller. J. Boyd had a friend fly him up to Tallahassee that very day. He said he went in & ~~told~~ told Caldwell about his interest. Caldwell asked him why he came to see him. Boyd tactfully replied because people told me you're the person to talked to. Caldwell later ended the interview without indicating anything.

Boyd also recently mentioned a story about O'Connell unofficially campaigning for Governor while a justice. He was traveling all over the state while a backlog of cases began piling up in his office. One day Chief Justice Roberts went in & laid it on the line. He told O'Connell that if he were going to devote his time seeking for governor he should resign. After lecturing him about getting behind in his work, Roberts got up to leave. At the door he turned and said "You know Steve, being a chief justice is awfully difficult, ~~sometimes~~ sometimes you just have to be a son-of-a-bitch."

O'Connell replied "I don't ~~any~~ anybody better qualified for the job than you Chief Justice."

Mon. Nov 1

A week ago Sunday we had an office party at J. McDonald's home. Most of the ~~office~~ & all but one Justice (Adkins) were there. It's the first time since I've

been working at the Court that all the justices have gotten together for a social occasion.

We played 3 games of Volleyball — Justice Sandley + McDonald were pretty good — J. Overton had good + bad moments, J. Alderman wasn't very athletic at all, nor did he joke around much. He's an extremely self-conscious person.

Afterwards we watched Miami play Dallas in football + part of World Series. Overton + Sandley seem to be the most enthusiastic of the group about sports.

Last Thursday, J. Overton's son Robby took the group picture of all the research aides.

Last week J. Boyd told about the Court's recent decision to raise the standard for bar admission. He's of the opinion that anyone who got through law school is capable of practicing. He mentions that J. Alderman was one of the main supporters of the move. Evidently, Alderman feels that it's better to make people study harder to get in.

Saturday — Nov. 7

This past week the U.S. Supreme Court decided not to hear the Brown case concerning the use of post-sentencing psychological report w/a motion by the Ft. Lauderdale D.A. in death penalty cases. I was surprised.

J. Boyd invited me to lunch yesterday at the snack bar on the 10th floor of the Capitol. We discussed a death penalty case. I later convinced him to go on with Alderman's opinion. It concluded that trial ct. erred in not giving requested instruction on independent act of another.

Late in the afternoon, Jim handed me the briefs in the case of Dept. of Ed. v. Lewis which concerns the Grove-Bush amendment. This is probably the most controversial piece of legislation this year's legislature has produced. It is a classic example of attempts to legislate morality. The amendment was attached to the appropriations bill with the provision that no funds should be distributed to state universities who's groups that espouse pre-marital sex are allowed to hold meetings. It's main purpose was to stamp out gay rights groups that have been forming on campuses.

On the summary, J. Boyd's note indicate he was in full accord with the amendment, but after finding out that all the other judges are dead set against it, he has decided to vote along with them. This is a clear example where J. Boyd votes against his own inclination so that he can claim authorship of what will be a highly publicized opinion.

Mon. Nov. 9th -

Went up to talk to J. Boyd about Woods v Wilson which will be decided in conference. McDonald has drafted an opinion on Zant. Both cases involve st. of joint co-tortfeasors to ~~one~~ each contribution against negligent parent of injured child. Our opinion extends the holding in Horace Lee involving contribution + doctrine of interspousal immunity, to situations involving doctrine of parental immunity. McDonald's opinion suggests that st. to contribution should only be allowed only to extent that tortfeasing parent is covered by insurance.

Afterward J. Boyd told me that all the judges read it were most mixed up + confused since they've had to consider. He said they were considering abolishing the doctrine of joint and several liability, extending the concept of comparative negligence.

He treated me to lunch today at the lower level of the capitol. We discussed the attorneys involved in DOE v Lewis, the case concerning Mr. Frank-Buck arrest. He said the court doesn't want to extend standing principle for fear of poor agencies constantly suing each other.

Wed. Nov. 18

Last Monday we had a birthday party for Justice Boyd. He was 65. Everybody ~~who was~~ Everybody who worked on 2d floor was invited. Usually the Justices have conference on Mon, but were't that day. Justices Overton + Alderman dropped by. Boyd told Overton he was celebrating his birthday by writing a dissent to one of Overton's opinions. ~~Dissent to be~~ At the beginning, Nancy, Jim + I sang Happy Birthday, then Boyd played the song on his harmonica.

Toward the end, the new maintenance man, Franklin Ford, came in for a piece of cake. When Nancy told J. Boyd

Franklin had been in earlier to help hang up some new plaques on his office walls. Boyd told him that they were all purchased at Sears.

Today J. Boyd called early in the morning & said he would be in account would'nt be in because he was babysitting his grandchildren. He called later to tell us to watch the President's speech on nuclear disarmament.

Saturday Nov. 21

Last Thursday Mrs. Terrell & her daughter Mrs Johnson came up for a visit. We thought they were coming so we could record some anecdote. When they arrived, they handed J. Boyd a two page typewritten statement about J. Terrell. They had very little to say about the atty. position. Mr. Johnson mainly mentioned names of relatives we should contact.

After they left, Nancy told J. Boyd that a note sheet came in from Alderman's office, stating that J. Lindsey's dissent was like a 4th of July sparkler full of hot air. It concerned the search & seizure of a plane. J. Boyd said that Alderman had calmed down since he first came & that he used to make very cutting remarks in conference.

~~Neither said that last~~

Jim then said that Alderman wrote a nice comment about our opinion on Dept. of Education v. Lewis. (I noticed in ~~both~~ yesterday's paper that the atty for the Dept of Education ~~died of~~ Jean English died of a heart attack.) Boyd said that Lindsey wanted to ~~work~~ discuss the 1st amendment questions & say that persons have the right to give each other blow jobs on the steps of the capitol. He blushed at his own joke & quickly added, "that thing [the tape recorder] isn't on is it?" I said no, but that I was taking notes.

Yesterday J. Boyd took Jim & I to the Tiger Bay Luncheon to hear Kip Morgan talk about appointments. On the way out I passed by Sid Mitchell who was showing the new Justice Souter & his wife around.

Thurs. Dec. 3

Today J. Chrisbe was sworn in. When I went upstairs this morning, J. Boyd was dusting the top of his desk. Jim + I helped clean the glass top. As J. Boyd started putting things back where they were, he seemed to be in a mood to reminisce. He showed me the rocks given to him by his grandson and a card with the name of one of his cousin's whose name he can't remember.

We discussed an newspaper article about Circuit Judge Cooper who was arrested for DWI + resisting arrest. J. Boyd said he wasn't sure if the Judge should be suspended. I told him that I felt real strongly that he should be. Later Boyd agreed to that but wasn't sure if Spulsin was right. I told him that was a tough question. He said that he felt it should be up to the people to decide whether a public official should stay in office. Judge Cooper was McDonald's ~~a~~ assistant who ran against J. Boyd for Supreme Court. Boyd mentioned that Cooper had a rough life. His first wife died of cancer + his second one might complained of a chest pain. He offered to take her to the doctor, but she said it was OK. He died in her sleep that night.

J. Boyd then showed me a photo of the 11 men (actually 9 with 2 posted on photo) who had run for the supreme court in 1968. He mentioned the tragedies that hit each one of them. He then did the same with a picture of the county commissioners he served with.

At the swearing in ceremony, Jim Fair got up to speak. The Marshal Tony Smith started to usher him out, but the Fair seemed to appreciate the comic gesture. We stood at the left wing for the remainder of the story.

I noticed Judge Robert Smith standing along the right wing. He was attorney General Jim Smith. The place was packed.

Justices England + Hatchett sat next together on the front row. With them was Mrs. Ferrell.

The ceremony was a bit boring except for a humorous speech by a circuit judge who was a scholast of Chrisbe. His first joke I thought was a bit offensive, but it received the biggest laugh. He said the last time he spoke before the court

was twenty-four years ago + a few months later his client was executed.

He went on to talk how Chrlick studied all the time at law school while wearing a green visor, which they referred to as green beaks. After he received such high grades, others bought green beaks to mimic him. At the end of the school they burned their visors while recanting legal maxims. The only joke that Chrlick read his.

Chrlick talked about his heart operation + the governor's calls while to his doctor which he was receiving. Finally the governor asked to speak to him, he asked "You know I have a lot of friends who are practical jokers, is this really the governor?"

At the ceremony when the justices rose for the rabbi's prayer, J. Adkins knocked over his chair. He hesitated before filing out, not knowing whether or not to pick it up. J. Overton signalled not to bother.

The reception was held at the top floor of the capitol. I ran into my legal writing instructor Steve O'Hara who had worked for Chrlick the last few years. He introduced me to J. Chrlick who had in his hand a complaint + affidavit him filed by Jim Hair. I asked to read it, but he didn't want to show it around. He said Judge Hegby handed it to him, + that he was so embarrassed because he didn't know who Mr Hegby was.

Later that afternoon I heard J. Chrlick talking to Ed White outside my door. He mentioned that an order was filed dismissing the complaint. He also said "It was an unreal world sitting up there, really unreal."

Tues, Oct. 8

I just remembered something Justice Chrlick said during his speech last week. He talked about two men who helped him more than any others. The first one was an attorney who gave him his first job after coming out of the navy. The second was

Talked to Ed White

said it was

"It was an unreal word sitting up there; really unreal."

Mentions something about an order dismissing the complaint that was filed.

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former Justice John E Mathews who became his law partner. Chilch said that in the days of the forties, he was an "insider" and John was an "outsider." He said Mathews likes to always bring in his client + introduce them to Chilch so as to embarass him because of his messy office.

Today we had a research aide's luncheon. Barbara Yuts mentions that Chilch's car was there in the lot when she pulled in at 7:20. Most of the justices don't arrive until after 8 A.M., except the chief justice. So Chilch is living up to his reputation as a workaholic.

Fri. Dec. 18, 1981

Yesterday we had a court luncheon. I stood in line behind J. McDonald + talked to him about the "messiah." (We ran into each other + talked a little while at the concert last Monday.) He said he + his wife left after the first part, partly because he was experiencing back pains. Said he had been carrying his grandchild around Disney World over the weekend.

Tony had cooked a Turkey that was delicious. After everybody had sat down, J Boyd who had been last in line, got up and asked J. Overton to say grace + led everybody in singing "Happy Anniversary" to the McDonald's who were celebrating their 32nd wedding anniversary.

Adkins was the only justice who wasn't there + J. Lindsay came late. I offered my chair to him as I had already finished. I had sat at a table with Chilch's new aide, — Jerry ——— and just Schaffer, and Mr + Mrs Boyd.

At 3 o'clock J Boyd and I went over to the new DCA building where there was two days of festivities. He went to talk to Judge Ben Willis talk about the History of the Courts. Before the speech, J. Boyd went around shaking hands + introducing me to most of the folks there. Some people seemed genuinely like him, whereas they seemed to try to avoid him.

After Willis spoke, Bill Owen, Justice Adkins and Gov. Collins added a few stories of their own. I took notes

of the ones I hadn't heard before.

Afterwards, J. Boyd introduced me to Will Cron, J. Boyd, and a couple of other people. He told them about our project & asked if they would answer some of our questionnaires.

The last person he crossed was Sen. Collins. Boyd gave him a long speech and sought his help in raising some money, as I could take a 6 month abatical. He suggested we try & get one from the Legislature.

We were the last people to leave the common room.

Oh yes, after J. Boyd & I sat down but before the speeches began, 3 attorneys (Pete (some DOA H Navis officer) Steve Turner & someone else & I don't know) sat behind us. Bob said "How are you doing J. Boyd?" J. Boyd ~~turned~~ as he turned around to shake hands said "Good to see you again."

Bob laughed & said, "Now you said that before you turned around."

Wed. Jan. 20, 1982

I had the 2 weeks off for Christmas. J. Boyd lets me go whenever I want. He just asks me to OK it with Jim before I do so, & Jim always acts like it's none of his business.

When I got back, there was a thermometer & a gift certificate for $20.00 (to Bayfair's) as Christmas gifts from J. Boyd. I bought two sweaters. The last two Christmas I had bought slacks.

Last Friday J. Boyd took me out to lunch at the ~~[redacted]~~ cafeteria in the basement of the capitol. As we were walking over, he asked if I was a member of the Bar of the Fed. Dist. Ct. Northern Dist. Recently all the Court has decided to eradicate all members who had not had at least 4 cases in the last five years. J. Boyd said that he thought the action was unconstitutional. He said he had talked to Judge Robert Smith of the 1st DCA & Smith had told him that Judge Mill was looking into the matter on the behalf of the Judges & research aides.

Jr. Boyd then asked if I were interested in teaching law + suggested that I get an LL.M. + teach part time. I told him I was interested but wasn't sure I had the proper credentials.

He had vegetable for lunch + split his blueberry yogurt with me. He didn't have the chili because it might have onions in it. He's very fastidious about his diet.

Feb 4, 1982, Thurs.

Last Friday I had a long talk with Jr. Boyd about the upcoming election for Chief Justice. He said Larry Lippman (reporter for Orlando Sentinel) had called + asked him some questions about it. Boyd said he didn't have any comment + asked Larry what he knew about it. (Larry had dropped by my office the day before + asked me about the same thing) At one point Boyd said he hadn't heard from U. of Miami L. Rev. + that they probably won't be publishing an article because of the Larry Ie article about us. At one point he called Larry a "an-of-a-bitch."

Then Boyd got to talking about the election speculating about all of the possibilities. He said Alkire would have a hard time getting it because of the animosity Overton and Alderman have for him. He said Hundley likes Alkire socially, but doubts if S. would like to see J.C.A. Chief Justice.

Boyd said Alderman want the Chief Justiceship very badly, but that he's so standoffish and has been so sarcastic towards some of the other members, that he might not get enough votes. Boyd think that Alderman would be so independent, that the little other justices would feel left out of the decision making process.

Boyd says Overton, Hundley, + McDonald are a clique, but with England gone, they have lost their 4th vote. He believes they would like to see McDonald be Chief Justice. Boyd says McDonald is just a puppet for Hundley + Overton, + that the latter two will want to feel as though they have still have some influence.

Two days ago Mary Ann Palmer had a birthday party for Justice Ehrlich. First thing he did

are guys, don't you all ever work around here. J. Atkins had 3 pieces of cake. J. McDonald led the group in singing happy birthday. Too many people were crowded out in the hall, so J. Boyd led them in singing a second rendition.

Later that day Nancy told me. J. Chilcot has asked for lunch with the secretaries. He said he went to the dept. of Ag. dining & thought the food was great. Nancy said J. Boyd usually doesn't like the food but that one does. Chilcot replied, "He thinks in pounds." When we went over to the capitol, the day there were all these motorcycles, he even talked to a couple of them."

Today Jim & I spent most of the afternoon talking with Justice Boyd. Again he began speculating about the election for Chief Justice. He thinks Altmeier's chances are 60% and McDonald's 40%. He said Altmeier is appalled by the backlog of cases in Atkins' office.